

CITY OF BELMONT
PLANNING COMMISSION

ACTION MINUTES

TUESDAY, JULY 03, 2007, 7:00 PM

Chair Parsons called the meeting to order at 7:05 p.m. at One Twin Pines Lane, City Hall Council Chambers.

1. ROLL CALL

Commissioners Present: Parsons, Frautschi, Horton, Mayer, McKenzie, Mercer, Wozniak
Commissioners Absent: None

Staff Present: Community Development Director de Melo (CDD), Senior Planner DiDonato (SP), Associate Planner Walker (AP), Zoning Technician Gill (ZT), Contract Planner Ouse (CP), City Attorney Zafferano (CA), Recording Secretary Flores (RS)

2. AGENDA AMENDMENTS - None

3. COMMUNITY FORUM (Public Comments) - None

4. CONSENT CALENDAR

4A. Minutes of 06/05/07

MOTION: By Vice Chair Frautschi, seconded by Commissioner Mayer, to accept the Minutes for Tuesday, June 5, 2007, with the following changes: Page 5, last paragraph, Commissioner Horton disagreed with Commissioner Mercer rather than Commissioner McKenzie. Page 2, vote on Item 5A, amend to show that Commissioner Frautschi abstained rather than recused.

Ayes: Frautschi, Mayer, Horton, McKenzie, Mercer, Wozniak, Parsons
Noes: None

Motion passed 7/0

5. PUBLIC HEARINGS:

5A. PUBLIC HEARING – 2122 Ralston Avenue (Continued from May 15, 2007)

To consider a Single Family Design Review to construct a 1,291 square addition to the existing 1,811 square foot single-family residence for a total of 3,102 square feet that is below the zoning district permitted 3,124 square feet for the site.

(Appl. No. 2007-0007)

APN: 044-274-260; Zoned: R-1B (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15303

Applicant: Paul Wang

Owner: Ted Gouzelis

ZT Gill summarized the staff report, recommending approval and answered questions from the Commission.

Paul Wang, architect, responding to Commissioner's questions, noted that they are proposing a new irrigation system at the rear and side yards, the first floor height has been reduced to 9' and the second floor plate to 10', and the post in the middle of the front porch has been removed. He reviewed the changes made to the plans as requested by the Commission at their May 15, 2007 hearing.

Chair Parsons reopened the Public Hearing. No one came forward to speak.

MOTION: By Commissioner Horton, seconded by Vice Chair Frautschi, to close the Public Hearing. Motion passed by voice vote.

MOTION: By Commissioner McKenzie, seconded by Commissioner Mercer, to adopt the resolution approving the Single-Family Design Review for 2122 Ralston Avenue (Appl. 2007-0007), with the Conditions attached.

Ayes: McKenzie, Mercer, Horton, Mayer, Wozniak, Parsons

Noes: None

Abstain: Frautschi

Motion passed 6/0/1

Chair Parsons stated that this item can be appealed to the City Council within 10 calendar days.

5B. PUBLIC HEARING – 1000 O'NEILL AVENUE

To consider a Street Vacation and Certificate of Appropriateness allowing relocation of a locally-designated historic landmark, the Emmett House. The Emmett House is proposed to relocate from a commercial site at 843 Ralston Avenue to a vacant site at 1000 O'Neill Avenue and be rehabilitated into two below-market rate residential condominium units. Excess portions of the Sixth Avenue and O'Neill Avenue rights-of-way would be vacated to provide additional land area to the project site. (Appl. No. 2006-0090)

Current Zoning: (PD) Planned Development

APN: 045-261-010, -020 and -030; CEQA Status: Mitigated Negative Declaration

APPLICANT/OWNER: City of Belmont

PROJECT PLANNER: Andrea Ouse, (650) 333-3973

CP Ouse summarized the staff report, recommending that the Commission adopt the resolution recommending Redevelopment Agency approval of the Street Vacation, and answered questions from the Commission.

Chair Parsons opened the Public Hearing. No one came forward to speak.

MOTION: By Vice Chair Frautschi, seconded by Commissioner Mayer, to close the Public Hearing. Motion passed by voice vote.

Discussion ensued regarding the conservation easement. CA Zafferano explained that the conservation easement is one way to vacate and maintain the ability to not develop the areas. Regarding the public pathway being on private property, he stated that the liability issue is one that the homeowners' association would have to assume because it would be part of the common area, just like any other portion of a common area, and would be no different than visitors or guests coming to the condo complex and using the walkways. CDD de Melo clarified that the City has yet to decide how they are going to deal with the land and that the site plan and development standards for this property have been established by the CDP. Any deviation from the standards would have to come back to the Commission and Council for review.

Chair Parsons expressed his concern that the property will not be maintained and preferred to see the City keep ownership of the underlying land at least from the creek to the street. Commissioner Mercer concurred, adding that she is also opposed to vacating the section along Sixth Avenue so that it would be available to widen if/when the vibrant new Downtown Specific Plan becomes a reality. She could not make the finding that there is anything for the City to gain by giving it away, other than not having to maintain it. She had no problem vacating the portion of O'Neill to make the front property line continuous with all the other properties on O'Neill.

CDD de Melo reminded the Commission that when the CDP was before the Commission and Council it was assumed that this lot is going to be 17,780 sq.ft. and the building is going to be of a certain size; the CDP standards were adopted based upon those standards. He added that the RDA voiced these very same concerns when they took up the project on May 29th and they are still uncertain about future ownership. He could see the City of Belmont and the RDA working to try to continue to own the underlying land associated with this entire 17,780 square feet and then moving towards selling off the units. The folks who live there would own the air rights within the condos but the City would own the land and control the land such that if the City ever decided to make changes to the street or the alignment of the parcel it would have the authority to do so and not have to rely on a private owner to concur with that action. If the Commission decides not to approve the vacation they may have to go back and re-examine the CDP.

After further discussion, CA Zafferano suggested that, since the Commission is a recommending body and the final decision rests with the RDA, Commissioners consider recommending vacation so long as either the RDA or the City retains ownership, but should they not retain ownership the Commission is not making that recommendation.

Vice Chair Frautschi did not see the necessity for vacating the property since it is not needed for the breathing space or setbacks for the house. He would not want to tie the hands of future councils, private ownership cannot be relied upon to maintain it, and a private owner would have to be notified about possible digging on their property if the storm drain doesn't work. He felt that a permanent conservation easement would work but he did not want to do something where they have merged the property and then one decision can be made about the fate of the entire piece of property.

For future discussions of the DDP, Vice Chair Frautschi wanted it noted that he thought the property would benefit by relocation of the Canary Island Palm, since it interferes with the canopy of the oak tree and would be easy to move. He felt it could be used elsewhere on the site, but if not, he knew of another site where the applicant would probably be willing to buy it.

Discussion ensued, with Commissioners concurring with the previously stated concerns. Commissioner Wozniak suggested consideration of a "reverse easement" whereby they vacate the property but retain ownership and then give the easement to the property as a total so that it would not affect any of the decision already made. The City would own it and give the rights to the condo owners to pass through it.

CDD de Melo discussed the projected schedule for the project, noting the expectation that, if the street vacation were approved, it would go before the RDA meeting of July 24 and that the DDP would come to the Commission at their August 7 meeting. They were hoping to meet a schedule such that the house could be moved in the middle of October before the rainy season starts, start the foundation prep, and have construction underway in the interior during the winter so that the home could be ready for its final disposition sometime summer or fall of 2008.

CP Ouse questioned if, in order to move the house to meet that schedule, they would need to have the storm drain/street abandonment in place in totality; i.e., was there any way they could move the house with the caveat that the CDP would be amended as soon as possible. CDD de Melo responded that it would be a matter having the CDP come back for the Commission's review without the land associated with the storm drain easement area that was assumed under the initial CDP review, and that they could continue to prepare for moving the house if they are comfortable that the size of the home is going to be in its place and the setbacks are going to be acceptable. They can revise the PD standards but it will require two successive rounds of review before they come back with the DDP.

CA Zafferano reminded the Commission that they are the recommending body and not making any final decisions. He stated that they could recommend that they not vacate it if the RDA or City does not own it, that they think they should vacate it under other circumstances, that there ought to be a conservation easement, or that there should be a reverse easement as suggested by Commissioner Wozniak. Ultimately the RDA/City Council will decide which, if any, of those recommendations they want to go along with and that would give staff some additional time to analyze some of the alternatives that were presented at this meeting.

MOTION: By Commissioner Horton, seconded by Commissioner Mercer, that the Planning Commission recommend to City Council to vacate portions of 6th Avenue rights-

of way as provided on the Parcel Map by B & H Surveying, Inc. dated June 2007, not including the area identified as “Storm Drain Easement”. (Appl. No. 06-0090)

Parsons **Ayes:** **Horton, Mercer, Mayer, McKenzie, Wozniak, Frautschi,**
Noes: **None**

Motion passed 7/0

Chair Parsons asked that the Commission’s concerns regarding the conservation easement, the conveyance of land and the CDP issue related to the parcel size be forwarded to the RDA/Council by staff. Commissioner Horton confirmed that it is the Commission’s intent, during the DDP, to address the design of that parcel along with the Emmett House.

Vice Chair Frautschi thanked staff for the very detailed written response to his questions dated July 3, 2007, and asked that this document become part of the permanent record.

5C. PUBLIC HEARING – El Camino Real at O’Neill (CalTrain Parking Lot)

To consider a Conditional Use Permit to allow year-round operation (every Sunday between the hours of 9:00 a.m. and 1:00 p.m.) of the Belmont Farmer’s Market.

Application No.: No. 2007-0022); Zoned: C-3 (Highway Commercial);

CEQA Status: Categorical Exemption per Section 15323

Applicant: Pacific Coast Farmers’ Market Association

Owner: Peninsula Corridor Joint Powers Board

SP DiDonato summarized the staff report, recommending approval of the Conditional Use Permit application subject to the conditions attached. He added that questions previously submitted by Vice Chair Frautschi were answered and placed on the dais.

Responding to Commissioner Mercer’s request, SP DiDonato agreed to amend Page 3, Item 5, of the Conditions of Approval to indicate that the band will only be allowed to perform during the hours the market is actually open, not before or after the market.

John Sylveria, Director of the Pacific Coast Farmers’ Market Association, responded to questions from the Commission, stating that it is a State law that all the certifiable agricultural items (fresh fruit, nuts, vegetables, shell bags and nursery stock) be what they call certifiable so all of that product is seen at the site of production in the county of production and a certified producer certificate is issued from the Department of Agriculture within that county. Average attendance is approximately 1500 people in the summertime market but may dip to as low as 500 in the wintertime. They advertise rain or shine, but if there is an unsafe condition it is the market manager’s call to make sure that safety is paramount.

Chair Parsons opened the Public Hearing. No one came forward to speak.

MOTION: By Vice Chair Frautschi, seconded by Commissioner Wozniak, to close the Public Hearing. Motion carried by voice vote.

Commissioner Wozniak suggested that the manager communicate with Cal Train to advertise in their brochure.

Vice Chair Frautschi suggested that consideration be given to adding a crosswalk where it says “barricade” on the plans and perhaps another one further down the street. Chair Parsons concurred.

Responding to Commissioner McKenzie’s question, SP DiDonato clarified that there was never a CUP granted for the market because it was initially a joint effort by the Chamber of Commerce and the RDA.

CA Zafferano asked that a condition be added requiring that the City be named as an additional insured on the liability policy.

MOTION: By Vice Chair Frautschi, seconded by Commissioner McKenzie, to adopt the Resolution approving a Conditional Use Permit to allow for the year-round operation of a Farmers’ Market (every Sunday between the hours of 9:00 a.m. and 1:00 p.m.) within an existing CalTrain parking lot located on El Camino Real at O’Neill Avenue (Appl. No. PA2007-0022), with Exhibit A, Conditions of Project Approval, with the addition of the requirement that the City be named as an additional insured and that the band be playing only between 9:00 a.m. and 1:00 p.m.

Ayes: Frautschi, McKenzie, Horton, Mayer, Mercer, Wozniak,
Parsons

Noes: None

Motion passed 7/0

5D. PUBLIC HEARING – 2648 WAKEFIELD DRIVE

To consider a Conditional Use Permit to amend the Hallmark West Detailed Development Plan (DDP) by adding 243 square-feet of living/floor area to the second story of the existing 2,976 square foot single-family residence for a total of 3,218 square feet which complies with the development guidelines for this DDP. (Appl. No. 2007-0032)

APN: 045-441-490; Zoned: PD – Planned Development

CEQA Status: Categorical Exemption per Section 15303

Applicant: Donald A. Woolfe

Owner: Irvin and Elayne Weinstock

AP Walker summarized the staff report, recommending approval with the conditions attached.

Responding to Commissioner Mayer’s questions, AP Walker stated that the sun room was constructed with a building permit in 1992 and is included in the existing 2,976 square feet. She

explained that the majority of the variations on the FAR's on Wakefield Drive were done administratively. CDD de Melo added for clarification that when the DDP was established in 1972 they set the FAR at .2 to .35 but that did not include the garage. Therefore, there are existing homes within that area that have not had any floor area add on's that already exceed the FAR because the way the floor area is counted has changed from 1972 to 2007. He concurred that, when time allows, a blanket change would clean up a lot of actions and clarify the question of why all the homes are already over the FAR and why this home should be treated along that same line.

Responding to Commissioner Mercer's question, AP Walker calculated that, without the 458-square-foot basement-level garage, the FAR isn't out of line when calculated according to what the DDP dictated.

Donald Woolfe, project architect, explained that the addition will be used as a work room/hobby room.

Chair Parsons opened the Public Hearing. No one came forward to speak.

MOTION: By Vice Chair Frautschi, seconded by Commissioner Wozniak, to close the Public Hearing. Motion carried by voice vote.

MOTION: By Commissioner Wozniak, seconded by Commissioner Mayer, to adopt the Resolution approving a Conditional Use Permit to amend the approved Detailed Development Plan for 2648 Wakefield Drive (Appl. No. 2007-0032).

Ayes: Wozniak, Mayer, Horton, McKenzie, Mercer, Frautschi, Parsons

Noes: None

Motion passed 7/0

Chair Parsons stated that this item can be appealed to the City Council within ten calendar days.

6. REPORTS, STUDIES AND UPDATES

CDD de Melo reported as follows:

6A. Avanti Pizza Commercial Center – 2040 Ralston Avenue

He has not received a response to his phone calls to the owner; a letter is in order.

6B. U-Haul – 530 El Camino Real

The trees have not been planted. Fines have started.

6C. Mid-Peninsula Water District Properties – Folger Drive

Calendared for the July 17th meeting for Commission review. Vice Chair Frautschi will not be attendance at that meeting but will review the staff report if it is available before July 10th.

6E. 1220 Avon Street

The revised landscape plan was received the previous Thursday and is calendared for the July 17th meeting. It will be an after-the-fact plan as the landscaping is just about already installed. It includes more trees than were previously considered for the site. The applicants are well aware that if there are any concerns raised by the Commission relative to the content of that plan, because the site plan and landscape plan that you approved has been changed dramatically, the City has the right to make changes. They will also be paying tree fees that have totaled in the neighborhood of \$4,000 for removal of the trees that were expected to remain as part of the project. The large storage container received a temporary encroachment permit that was renewed several times and will expire soon. Commissioner Frautschi objected to the fact that they were clearly using the public right-of-way to store their personal property. He thought the Commission had made a statement previously that that would not continue to happen, noting that the neighbors have had to look at it for seven months, and asked the staff convey to Public Works that they are not doing the right thing for the neighborhood.

6F. US 101/ Marine Parkway Landscaping Project

He had discussed the issues with the Public Works Director, who is aware of the concerns raised at the April 3rd Planning Commission meeting, and is available to meet with the Commission to discuss the issues and talk about solutions to that problem. Chair Parsons asked if he understood correctly that since April they have not met with CalTrans or done any revisions or anything on that project and that they have not gone back to the Council with a report. He was upset that three months had gone by and felt that the Public Works Department really did not care about Belmont or the people living next to this project. Vice Chair Frautschi asked why the Public Works Director wanted to meet with the Commission since they already told him what they wanted to be incorporated in the project – all he has to do is read the report and minutes of the April 3rd meeting. CDD de Melo responded that they just want to make sure they are clear on what is wanted and noted that dealing with a CalTrans right-of-way area can be difficult and time consuming. Chair Parsons asked if they had had meetings with CalTrans and if so, where is a report of the outcome of the meetings, adding that the homes around Hiller have exposed fencing where the landscaping has been removed and are putting up different colors of plastic at the entrance to Belmont. CDD de Melo apologized for the inaction and agreed to try to work the situation out with the Public Works Director.

Commissioner McKenzie mentioned that the total interchange is another issue. CDD de Melo agreed, adding that since more plantings are proposed it is a change order that has to go back to CalTrans. Chair Parsons asked why the landscaping wasn't proposed by Public Works when they were doing the original drawings – there should not have to be a change order – Public Works wasn't watching out for the entrance to the City. CDD de Melo explained that this was originally an RDA concept plan that the RDA wanted the Commission to look at. He will try to work through a solution with Public Works and CalTrans.

6D. NDNU Soccer/Lacrosse Field

At CA Zafferano's recommendation, Commissioners Frautschi, Horton and McKenzie recused themselves from this discussion and left the room. He reminded the remaining Commissioners that this is only a Report, Study and Update item and that if there is a decision to be made about whether to place this item on a future agenda they can direct staff to do that, without getting into

a back and forth discussion since the other party or parties who are interested in this item were not present.

CDD de Melo reviewed the activity on this project to date, noting that a task force meeting was held on May 23rd with some positive outcomes from that meeting and another meeting is scheduled for July 26th. Since that time a compilation of CUP violations had been emailed to the Commission. If it is the Commission's desire to schedule a future item on the Commission Agenda, staff was prepared to do so.

Risa Horowitz, resident of Ralston Avenue, presented documentation on each violation that NDNU has committed dating back to October of 2006, with no effective enforcement action taken by the City. She reminded the Commission that two weeks ago her husband had asked the City and the Commission to take action to enjoin the university from all use of the field not specifically allowed by the conditions of use. She had documentation to show that NDNU was getting ready to host another event from July 12 through July 15 that will be in violation of the CUP, and which is advertised as including "Youth, Middle School, and High School". She believed that the conditions for use of the field are flawed and need to be corrected and asked the Commission to take immediate action to revoke the use permit. She asked that no new permit be considered without the opportunity for extensive input by all affected neighbors, and that any new permit include limitations on use that would guarantee the citizens of Belmont advance notice of all activities, limitations on times and allowed uses, posting of signs on the fence specifically stating conditions of the CUP, and noise restrictions for all allowed activities. She looked forward to relative peace that will return when the inappropriate use of NDNU's field will be halted.

CDD de Melo clarified that the next task force meeting is after the advertised event, and that the CUP allows for "youth" camps in the months of May, June and July from 8:00 a.m. to dusk. There have been some camps that have already been completed where it could be considered that it was not "youth" I.E. college age participants. Two camps have been completed and three more are scheduled. All camps will have concluded prior to the July 26th neighborhood task force meeting.

Commissioner Wozniak commented that the youth sports camps are only part of this issue. She pointed out that the Commission does not mull over other permit violations and they do not have community meetings successively from February through July. She requested that the Planning Commission be given a chance to review all of the facts to see if there is a violation and what they are going to do about it. She felt they have let this go on too long.

There was consensus that this item should be placed on the first available agenda so that the Commission could consider calendaring a revocation hearing. CDD de Melo agreed to have it on an agenda no later than August 7th. He confirmed that there have been multiple discussions with City staff, reports have been generated, but no fines have been levied. Commissioner Wozniak asked that the issue of landscaping also be included in the discussion.

Commissioner Mercer and Chair Parsons commented that they preferred the **chairs** provided by Commissioner Horton since they can get closer to the microphones without having to lean forward.

It was agreed that the chairs will be kept in the storage room for use during the Commission meetings.

7. CITY COUNCIL MEETING OF TUESDAY, JULY 10, 2007

Liaison: Commissioner Wozniak
Alternate Liaison: Commissioner Parsons

10. ADJOURNMENT:

The meeting was adjourned at 9:15 p.m. to a regular meeting on Tuesday, July 17, 2007, at 7:00 p.m. in Belmont City Hall.

Carlos de Melo
Planning Commission Secretary

*CD's of Planning Commission Meetings are available in the
Community Development Department.
Please call (650) 595-7416 to schedule an appointment.*